



General Assembly

**Substitute Bill No. 1420**

January Session, 2001

**AN ACT CONCERNING DISPOSITION OF REMAINS OF DECEASED PERSONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 45a-318 of the general statutes is repealed and the following  
2 is substituted in lieu thereof:

3 (a) Any person eighteen years of age or older may execute in  
4 advance of such person's death a cremation authorization on a form  
5 authorized by the Department of Public Health for the incineration or  
6 cremation of such person's body upon the death of such person. Any  
7 such document shall be signed and dated by the maker, and certified  
8 in writing by two witnesses that the maker was of sound mind and  
9 capacity at the time of execution of the authorization.

10 [(a)] (b) The custody and control of the remains of deceased  
11 residents of this state shall belong to the surviving spouse of the  
12 deceased. If the surviving spouse had abandoned, and at the time of  
13 death was living apart from, the deceased, or if there is no spouse  
14 surviving, then such custody and control shall belong to the next of  
15 kin, unless the decedent, in a duly acknowledged writing, designated  
16 another person to have custody and control of [his] the remains of the  
17 decedent. The court of probate for the district of the domicile of the  
18 deceased may at any time, upon the petition of any of the kin or such  
19 person, award such custody and control to that person who seems to

20 the court most fit to have the same. If a deceased resident of the state  
21 leaves no spouse, next of kin or designated person surviving, or if the  
22 spouse, next of kin or designated person cannot be contacted after due  
23 diligence to assume custody and control of the remains of such  
24 decedent as provided in this section, or if the spouse, next of kin or  
25 designated person refuses to assume such custody and control, the  
26 court of probate for the district of the domicile or residence of the  
27 deceased may, upon the petition of a selectman or chief officer of such  
28 town, a licensed funeral director or the director of health of such town,  
29 grant such custody and control to some suitable person. If a person has  
30 executed a cremation authorization for the incineration or cremation of  
31 such person's body upon death on a form authorized by the  
32 Department of Public Health, as described in subsection (a) of this  
33 section, then such instructions may be relied upon by any person  
34 acting reasonably and in good faith in reliance upon such written  
35 instructions and shall permit any licensed funeral director to obtain a  
36 cremation certificate and a cremation permit, in accordance with the  
37 provisions of section 19a-323. No person may challenge the funeral  
38 director's decision to obtain a cremation certificate and a cremation  
39 permit.

40 [(b)] (c) This section shall not apply to the disposition of a body of a  
41 deceased person under the provisions of sections 19a-270 and 54-102;  
42 nor shall it affect the powers and duties of the chief medical examiner  
43 under the provisions of sections 19a-406 to 19a-408, inclusive.

**JUD**      *Joint Favorable Subst.*